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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/950,097	09/10/2001	Donald Styliniski	H0001343	2242

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EXAMINER

SAADAT, CAMERON

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 07/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/950,097

Applicant(s)

STYLINSKI ET AL.

Examiner

Cameron Saadat

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4, 6,7,9-11,13-16 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,6,7,9-11,13-16 and 18-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/20/04 has been entered. Claims 1, 4, 6-7, 9-11, 13-16, 18-22 are pending in this application. Claims 2-3, 5, 8, 12, and 17 have been cancelled.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 4 is dependent on cancelled claim 2. Therefore the antecedent basis for "the billing information" has not been clearly set forth.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 4, 6-7, 9-11, 13-16, and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huffman et al. (USPN 6,053,736; hereinafter Huffman) in view of Lin (USPN 6,478,581 B1), further in view of Darago et al. (USPN 6,170,014 B1; hereinafter Darago), still further in view of Salisbury "Web-Based Simulation Visualization using Java3D".

Regarding claims 1, 7, and 15, Huffman discloses a content-providing system for a flight simulator, the system comprising: a gateway having an interface to a digital network; and at least one host computer system 16 executing a server portion of the flight simulator program; wherein the gateway is operable to connect to the server portion from a user executing a client portion 11 of the flight simulator program over the digital network (Col. 4, lines 49-55), and to establish a connection between the client portion and the server portion such that primary processing for the flight simulator takes place at the server portion, and such that interface updates are processed at said client portion (Col. 5, lines 8-12). Huffman does not explicitly disclose the term "simulation card" (as per claims 1, 7, and 14). It is noted that applicant's specification describes a "simulation card" in the specification, as "cards that execute programs that are to be accessed by users across a network" (Applicant's specification, P. 3, Paragraph 28). According to applicant's definition, Huffman discloses a simulation card 17 since simulation card 17 may reside on the host computer 16 for delivering simulation data to client portion 11 (Huffman, Col. 7, lines 56-61).

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Although implied, Huffman does not explicitly disclose that the code is derived from an actual aircraft component (as per claims 1, 7, and 15). However, Lin discloses a networked flight simulation system wherein simulation code is derived from an actual aircraft component (Col. 2, lines 20-25, 62-64). Hence, in view of Lin, it would have been obvious to a person of ordinary skill in the art to modify the simulation described in Huffman, by providing a simulation comprising code derived from an actual aircraft component in order to simulate real avionics equipment in a flight simulator environment (See Lin, Col. 4, lines 49-51).

The combination of Huffman and Lin discloses all of the claimed subject matter of claims 1, 7, and 15 with the exception of explicitly disclosing a database operable for providing authentication information of a user. However, Darago discloses a system for providing a flight simulator (Col. 1, lines 30-32) via a network, wherein the system accesses database 302 and 408 to verify user authentication information and billing information (Col. 10, lines 44-61). Hence, in view of Darago, it would have been obvious to an artisan to modify the storage unit described in the combination of Huffman and Lin, by providing a database comprising user authentication information, in order to protect licensed content and to limit use of the content to registered users that are charged accordingly for usage.

The combination of Huffman, Lin, and Darago does not explicitly disclose a “browser” (as per claims 1, 7, and 15). However, it is the examiner’s position that it is well known to utilize a browser program for providing an interface for a user in a network system. In addition, Salisbury discloses a web-based simulation system comprising a browser (see Fig. 2; P. 1427). Thus, in view of Salisbury, it would have been obvious to one of ordinary skill in the art to modify the user interface described in the combination of Huffman, Lin, and Darago, by providing a browser, in order to deliver a 3D simulation from a web-server.

Regarding claims 4 and 9-10, the combination of Huffman and Lin does not explicitly disclose that the gateway is configured to “update billing information” (as per claim 4) according to “time of

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usage” as per claims 9-10. However, Darago discloses a system for delivering simulator content or training content (Col. 1, lines 30-32) over a network, wherein meter manager 406 monitors and updates a user’s usage of content for billing purposes (Col. 15, lines 12-20). Hence, in view of Darago, it would have been obvious to an artisan to modify the system described in the combination of Huffman and Lin, by tracking and updating billing information, in order to charge users based on usage of licensed content.

Regarding claims 6, 13, and 18, Huffman discloses all of the claimed subject matter with the exception of explicitly disclosing that the actual aircraft component is a flight management system (FMS). However, Lin discloses a networked flight simulation system wherein simulation code is derived from an actual flight management system (Col. 2, lines 20-25; Col. 8, line 31; Fig. 2). Hence, in view of Lin, it would have been obvious to a person of ordinary skill in the art to modify the simulation described in Huffman, by providing a simulation comprising code derived from an OFP – operational flight program in order to simulate real avionics equipment in a flight simulator environment (See Lin, Col. 4, lines 49-51).

Regarding claims 11 and 16, Huffman discloses a program that is an aircraft simulation program (See Abstract).

Regarding claim 14, Huffman does not explicitly disclose the term “simulation card” (as per claims 1, 7, and 14). It is noted that applicant’s specification describes a “simulation card” in the specification, as “cards that execute programs that are to be accessed by users across a network” (Applicant’s specification, P. 3, Paragraph 28). According to applicant’s definition, Huffman discloses a simulation card 17 since simulation card 17 may reside on the host computer 16 for delivering simulation data to client portion 11 (Huffman, Col. 7, lines 56-61).

Regarding claims 19-22, Huffman discloses a flight simulation system provided via a network, wherein the network is (as per claims 19 and 21) a distributed interactive simulation

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network (see Fig. 1); and (as per claims 20 and 22) wherein the network is a high-level architecture network (see Abstract).

Response to Arguments

Applicant's arguments with respect to claims 1, 4, 6-7, 9-11, 13-16, and 18-22 have been considered but are moot in view of the new ground(s) of rejection.

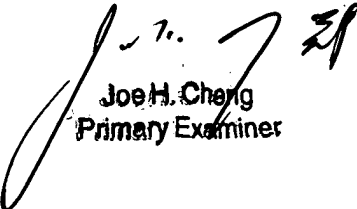
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cameron Saadat whose telephone number is 703-305-5490. The examiner can normally be reached on M-F 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Derris Banks can be reached on 703-308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


CS


Joe H. Cheng
Primary Examiner